

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

HEEWON LEE,

Plaintiff,

v.

**BANK OF AMERICA; BANK OF
AMERICA, N.A.; and HOME RETENTION)
SERVICE/SPECIALIZED LOAN)
SERVICING,)**

Defendants.

**Civil Action No.
23-10714-FDS**

**ORDER ON PLAINTIFF’S EMERGENCY MOTION
FOR FIRST AMENDED COMPLAINT**

SAYLOR, C.J.

In this case, plaintiff Heewon Lee alleges that defendants made false representations in state-court litigation concerning a home loan in default.

Plaintiff filed an “emergency motion” to file an amended complaint four days after defendants moved to dismiss under Fed. R. Civ. P. 12(b)(6). His motion does not explain what he describes as the “inadvertent omission[s]” or “mistake[s]” that he seeks to correct, or the “detailed and new arguments” that he wishes to add. Nor has plaintiff provided a copy of his proposed amended complaint.

Normally, the court cannot grant a motion to amend that does not explain how plaintiff proposes to amend the complaint. Fed. R. Civ. P. 15(a)(1)(B). However, under Fed. R. Civ. P. 15(a)(1)(B), a plaintiff may amend his complaint as of right “21 days after service of a motion under Rule 12(b).”

For the foregoing reasons, plaintiff's emergency motion to file an amended complaint will be DENIED without prejudice as unnecessary. Plaintiff may file an amended complaint as of right within 14 days (that is, by June 2, 2023).

Defendants' motions to dismiss (Docket Nos. 8 and 12) will be terminated as moot if plaintiff files an amended complaint within the 14-day period ordered by the Court. That termination will be without prejudice to the renewal of those motions after the filing of any amended complaint, as appropriate. If plaintiff fails to file an amended complaint within that period, the original complaint and those motions will remain pending.

So Ordered.

Dated: May 19, 2023

/s/ F. Dennis Saylor IV
F. Dennis Saylor IV
Chief Judge, United States District Court